

REPORT OF THE EXECUTIVE OFFICER
State Allocation Board Meeting, February 28, 2007

ASSEMBLY BILL 127 AMENDMENTS TO
PROGRAM REGULATIONS

PURPOSE OF REPORT

To request:

1. Adoption of the proposed regulations to implement and administer the Overcrowding Relief Grant (ORG) Program.
2. Authorization to file the proposed regulations with the Office of Administrative Law (OAL).

DESCRIPTION

Assembly Bill (AB) 127, Chapter 35, Statutes of 2006 (Perata/Nunez) was chaptered on May 20, 2006, establishing the Kindergarten-University Public Education Facilities Bond Act of 2006 (Proposition 1D). Proposition 1D provides \$10.416 billion in bonds for educational facilities, of which \$7.329 billion is earmarked for kindergarten through twelfth grade projects, which were approved on the November 2006 ballot. The law, of which nearly all the provisions were effective only upon the passage of Proposition 1D, makes modifications to certain School Facility Program (SFP) features, adds several new grant programs, and provides funding for existing and new grant programs.

Attachment A represents the changes and amendments to the SFP regulations for the new ORG Program. This program is established for the purpose of reducing the number of portable classrooms on overcrowded sites by replacing them with permanent classrooms at the existing or other school sites. Proposition 1D provides one billion dollars for eligible ORG schools. Attachment B contains the *Overcrowding Relief Grant Eligibility Determination* form developed by the California Department of Education (CDE) which will be utilized by applicants to determine if a school site is eligible for the ORG Program. Applicants will be required to submit this form for the review and approval of the CDE.

STAFF COMMENTS

By utilizing the State Allocation Board (SAB) Implementation Committee meetings as a forum to gather input from interested parties, the Office of Public School Construction (OPSC) has developed proposed regulations contained in Attachment A to implement the ORG Program. Upon adoption by the Board, the OPSC will submit these regulations to the OAL.

AB 127 also provides a new grant program for Seismic Mitigation. It is anticipated that regulations for these programs will be presented at a future SAB meeting.

RECOMMENDATIONS

1. Adopt the proposed amendments to the regulations as shown on Attachment A and begin the regulatory process.
2. Authorize the OPSC to file these regulations with the OAL.

BOARD ACTION

In considering this Item, the Board approved Staff's recommendations with a request to include the following statement in the Minutes: "Overcrowding Relief Grants may be used in combination with funds available under Regulation Section 1859.73.2 so long as the district meets all the requirements pursuant to that regulation." The Board requested Staff to address any technical concerns, with input from the State Allocation Board (SAB) Implementation Committee at its April 2007 meeting, if the resolution cannot be reached through continued dialogue with Staff. If resolution is reached, Staff will provide an update for the Board, or if warranted, clarifying regulatory amendments, at the March SAB meeting.

ATTACHMENT A
PROPOSED AMENDMENTS TO THE
SCHOOL FACILITY PROGRAM REGULATIONS
State Allocation Board Meeting, February 28, 2007

Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

...

"Form SAB 50-11" means the *Overcrowding Relief Grant District-Wide Eligibility Determination*, Form SAB 50-11, which is incorporated by reference.

...

"Overcrowding Relief Grant" (ORG) means the funding provided pursuant to Education Code Section 17079, et seq. "Overcrowding Relief Grant Eligibility Determination" means the form that is submitted to the California Department of Education for purposes of determining whether a school site is eligible for Overcrowding Relief Grant funding and the maximum number of pupils that are eligible to receive funding at a school site.

"Overcrowding Relief Grant Pupil Eligibility" means the result of the calculation determined in Section 1859.182(a).

...

"School District" shall have the meaning set forth in Education Code Sections 17070.15~~(h)~~(m) and 17073.25.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17074.32, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17079, 17079.10, 17280, and 56026, Education Code; Section 53311, Government Code; and Section 1771.5, Labor Code.

...

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03, will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.160.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in a new construction LPP project funded under the provisions of the LPP pursuant to Sections 1859.12 or 1859.13.
- (c) Reduced by the number of pupils housed in additional classrooms constructed or purchased based on the loading standards, pursuant to Education Code Section 17071.25(a)(2)(A), in a modernization SFP project.
- (d) Adjusted as a result of the audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years for all districts except decreases as provided in (j) below.
- (f) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (g) Adjusted as a result of amendments to these Regulations that affect the eligibility.
- (h) Increased by the number of pupils eligible for grants pursuant to Section 1859.82 (a).
- (i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any Classroom Provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:
 - (1) That is a trailer and transportable/towed on its own wheels and axles.
 - (2) Of less than 700 interior square feet.
 - (3) Excluded pursuant to Education Code Section 17071.30.

- (4) Where the contract for the lease, lease-purchase, purchase, or construction of the classroom was made prior to January 1, 2000.
- (5) That is included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
- (6) That was acquired with joint-use funds specifically available for that purpose.
- (7) That was constructed with Overcrowding Relief Grant funds specifically available for that purpose.
- (j) For Small School Districts, decreased:
 - (1) By any reduction in projected enrollment that follows a three-year period after the district's eligibility was approved by the Board.
 - (2) By any increase in the number of pupils included in the latest operational grant report made by the CDE pursuant to Education Code Section 42268 beginning three years after the district's most current eligibility was approved by the Board. The reduction in eligibility shall be determined by the number of pupils included in the latest operational grant report that exceed the number of pupils included in the operational grant report in effect when the district's most current eligibility was approved by the Board or adjusted by a subsequent operational grant report after that date.
- (k) Adjusted for any change in classroom inventory as a result of a reorganization election.
- (l) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (m) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (n) Increased by the number of pupils that received a Preliminary Apportionment that was rescinded pursuant to Section 1859.148 or a Preliminary Charter School Apportionment that was rescinded pursuant to Section 1859.166.
- (o) Adjusted for operational grant changes as determined/provided by the California Department of Education.
- (p) For a HSAA district with Preliminary Apportionments within the 2002 Critically Overcrowded School Facilities Account as follows:
 - (1) Decreased by the number of pupils that received a Preliminary Apportionment, distributed proportionately among HSAA's in which the pupils used to justify the conversion of the Preliminary Apportionment were enrolled but did not reside.
 - (2) In the subsequent enrollment reporting year after verification of Occupancy of a project, increased by the number of pupils equal to the reduction due to Section 1859.51(p)(1), for the project which was occupied.
 - (3) Increased by the number of pupils equal to the reduction due to Section 1859.51(p)(1), for a Preliminary Apportionment rescinded pursuant to the provisions of Section 1859.148.
- (q) Adjusted by the difference between the Alternative Enrollment Projection for the current enrollment reporting year and the projected enrollment determined pursuant to Section 1859.42 for the current enrollment reporting year, or by the eligibility remaining from this calculation that can no longer be utilized if the funds made available pursuant to Education Code Section 17071.75(a)(1)(A) have been exhausted.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20 ~~and~~ 17077.40, and 17079.20, Education Code.

...

Section 1859.61. Adjustments to the Modernization Baseline Eligibility.

The baseline eligibility for modernization as provided in Section 1859.60 for a specific site will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a modernization SFP project at the specific site.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2), in a modernization LPP project funded under the LPP pursuant to Sections 1859.14 and 1859.15.
- (c) Increased by changes in projected enrollment in subsequent enrollment reporting years.

- (d) Increased for additional facilities not previously modernized with State funds, that become 25 years old, if permanent, or 20 years old, if portable or as a result of audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (f) Adjusted as a result of amendments to these Subgroup 5.5 Regulations that affect the eligibility.
- (g) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (h) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (i) Increased for facilities previously modernized with State funds, which qualify for an additional modernization apportionment pursuant to Section 1859.78.8.
- (j) Adjusted as a result of the Reconfiguration of an existing high school under the provisions of the Small High School Program.
- (k) Adjusted as a result of replaced eligible portables funded with the Overcrowding Relief Grant, pursuant to Education Code Section 17079, et seq.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.51, 17071.25, 17072.15, 17072.20, 17073.15, 17074.10, ~~and~~ 17074.32, and 17079.30, Education Code.

...

Section 1859.81. Financial Hardship.

Except for Joint-Use Projects, a district is eligible for financial hardship to fund all or a portion of its matching share requirement after demonstrating both of the following:

- (a) The district is financially unable to provide all necessary matching funds for an eligible project. To determine this, an analysis shall be made of the district's financial records by the OPSC including data and records maintained by the CDE and the County Office of Education. The analysis shall consist of a review of the district's latest Independent Audit regarding funds available from all capital facility accounts, including, but not limited to, developer fees, funds generated from capital facility certificates of participation, federal grants, redevelopment funds, sale proceeds from surplus property, the appraised value of facilities approved for replacement pursuant to Section 1859.82, bond funds either encumbered, unencumbered or authorized but unsold, and savings from other SFP projects. All funds thus identified that have not been expended or encumbered by a contractual agreement for a specific capital outlay purpose prior to the initial request for financial hardship status shall be deemed available as a matching contribution.

After the initial request for financial hardship status is granted, no further encumbrances will be approved by the OPSC and all prospective revenue made available to the district's capital facility accounts shall be deemed available as matching contribution on the subsequent financial hardship review, with the exception of:

- (1) Approved interim housing expenditures.
- (2) Funding to pay for previously recognized multi-year encumbrances approved at the initial financial hardship approval.
- (3) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the Federal Renovation Program when the amount expended out of that fund does not exceed the maximum Federal Renovation Grant amount.
- (4) Funding that is transferred into a Special Reserve Fund and is used for the express purpose of the School Facilities Needs Assessment Grant Program or Emergency Repair Program when the amount expended out of that fund does not exceed the maximum grant amount apportioned.
- (5) Funding that is transferred into a Special Reserve Fund and used for the express purpose of the Overcrowding Relief Grant when the amount expended out of that fund does not exceed the amount of the site acquisition and design costs of the project and the district has submitted an approved Form SAB 50-11.

~~(5)~~ (6) All other capital facility funding for a period of three years when no subsequent financial hardship request is made during this period, with the exception of the funding identified in (5). The three-year period begins with the date of the most recent financial hardship new construction or modernization adjusted grant funding apportionment.

When Overcrowding Relief Grant funding is set aside pursuant to (5) and the School District has not submitted, or the OPSC has not accepted, a Form SAB 50-04 for an Overcrowding Relief Grant within three years from the date of deposit into the Special Reserve Fund, or the School District has not met the requirements in Sections 1859.90 or 1859.105, remaining funds plus interest accrued at the Pooled Money Investment Board rate at that time period shall be deemed available as matching contribution on a subsequent financial hardship project or be captured through an audit adjustment pursuant to Section 1859.106.

The financial hardship analysis is subject to approval by the Board.

- (b) From the funds deemed available as a matching contribution, the district may retain \$19,776 per classroom in each enrollment reporting period for the cost to provide interim housing for the currently unhoused pupils of the district. The amount shown shall be adjusted annually in the manner prescribed in Section 1859.71. The number of classrooms needed for interim housing for the currently unhoused pupils shall be the sum of the positive numbers determined in (b)(7) as follows:
 - (1) Determine the current enrollment of the district by grade level as shown on the latest Form SAB 50-01.
 - (2) Determine the New Construction Grants apportioned by grade level for all SFP projects and LPP funded under the provisions of Sections 1859.12 or 1859.13 where the district has submitted Form SAB 50-06 indicating that the project is 100 percent complete.
 - (1) Subtract (b)(2) from (b)(1).
 - (2) Determine the number of classrooms by grade level reported in Part 1, Line 8 on Form SAB 50-02.
 - (3) Multiply the classrooms determined in (b)(4) by 25 for K-6, 27 for 7-12, 13 for Non-Severe and 9 for Severe.
 - (4) Subtract the product determined in (b)(5) from the difference determined in (b)(3) by grade level.
 - (5) Divide the difference by grade level determined in (b)(6) by 25 for K-6, 27 for 7-12, 13 for Non-Severe and 9 for Severe and round up to the nearest whole number.

From the funds deemed available as a matching contribution, the district may also retain \$19,776 per portable toilet unit in each reporting period for the cost to provide necessary interim toilet facilities for the currently unhoused pupils of the district. The amount shown shall be adjusted annually in the manner prescribed in Section 1859.71. The number of toilet facilities needed for interim housing shall be the sum of the positive numbers determined in (b)(7) divided by eight rounded up to the nearest whole number.

If the district's available funds, as determined by the OPSC analysis less costs for interim housing, is less than its matching share, the district will be deemed to have met the requirements of this Subsection.

- (c) The district has made all reasonable efforts to fund its matching share of the project by demonstrating it is levying the developer fee justified under law or an alternative revenue source equal to or greater than the developer fee otherwise justified under law at the time of request for hardship and the district meets at least one of the following:
 - (1) The current outstanding bonded indebtedness of the district issued for the purpose of constructing school facilities in accordance with Education Code Section 17072.35 or 17074.25 as appropriate, at the time of request for financial hardship status, is at least 60 percent of the district's total bonding capacity. Outstanding bonded indebtedness includes that part of general obligation bonds, Mello-Roos Bonds, School Facility Improvement District Bonds and certificates of participation which the district is paying a debt service that was issued for capital outlay school facility purposes.
 - (2) The district had a successful registered voter bond election for at least the maximum amount allowed under Proposition 39 within the previous two years from the date of request for financial hardship status. The proceeds from the bond election that represent the maximum amount allowed under the provisions of Proposition 39 must be used to fund the district's matching share requirement for SFP project(s).

- (3) It is a County Superintendent of Schools.
- (4) The district's total bonding capacity at the time of the request for financial hardship status is \$5 million or less.
- (5) Other evidence of reasonable effort as approved by the SAB.

If the district's request for financial hardship status is denied by the Board, the district may be deemed eligible for rental payments of \$2,000 per year per classroom under the Emergency School Classroom Law of 1979 for a two year period when relocatable classroom buildings are available and the district provides financial documentation that it is unable to afford the full rental amount and any other information satisfactory to the Board that the rental reduction is necessary. The number of classrooms eligible for the \$2,000 rental payments shall be the sum of the numbers determined in (c)(5)(B) as follows:

- (A) Determine the number of pupils by grade level that the district requested a New Construction Grant on the Form SAB 50-04 that were denied financial hardship status.
- (B) Divide the number by grade level determined in (c)(5)(A) by 25 for K-6, 27 for 7-12, 13 for Non-Severe and 9 for Severe and round up to the nearest whole number.

If the district meets the financial hardship requirements in this Section, the amount of financial hardship is equal to the district's matching share less funds deemed available in (a).

Once a district has been notified by the OPSC that it meets the requirements of financial hardship in this Section, the district may file Form SAB 50-04 under the provisions of financial hardship anytime within a period of 180 calendar days from the date of the OPSC notification.

If the district does not submit Form SAB 50-04 under the provisions of financial hardship within 180 calendar days of the OPSC notification of approval of financial hardship status, the district must re-qualify for financial hardship status under the provisions of this Section by submittal of a new request for financial hardship status.

If the district submits Form SAB 50-04 within 180 calendar days of the OPSC notification of approval of financial hardship and the project(s) has been included on an unfunded list for more than 180 calendar days, a review of the district's funds pursuant to (a) will be made to determine if additional district funds are available to fund the district's matching share of the project(s).

Financial hardship approval status by the OPSC for a separate design and/or site apportionment does not apply to any subsequent funding for the project(s).

Note: Authority cited: Sections 17070.35, 17075.15 and 17592.73, Education Code.

Reference: Sections 17075.10, and 17075.15, and 17079.20, Education Code.

...

Section 1859.81.1. Separate Apportionment for Site Acquisition and Design Costs.

A district that meets the financial hardship criteria in Section 1859.81 is eligible for the following:

- (a) For a new construction project, a separate apportionment for site acquisition, with the exception of site acquisition funding authorized by Section 1859.81.2 or for projects receiving funding pursuant to the Overcrowding Relief Grant, Section 1859.180, when all the following requirements are met:
 - (1) The district has eligibility for grants that equal at least 50 percent of the CDE master plan capacity of the site.
 - (2) The district has received a contingent site approval letter from the CDE indicating that the proposed site is the best available.
 - (3) The district has obtained a preliminary appraisal of the property by a qualified appraiser utilizing criteria outlined in Section 1859.74.1. This report may be made without access to the site.
- (b) If the conditions in (a) are met on a site that does not require a RA, the Board will apportion all of the following less any district funds available for the project pursuant to Section 1859.81(a):

- (1) An amount not to exceed 100 percent of the lesser of the preliminary appraised value of the site as determined by Section 1859.74.1 or the amount the district reasonably expects to pay for the site including any hazardous material clean-up.
- (2) The estimated relocation expenses that will conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal property, new machinery/equipment, and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.
- (3) Four percent of the lesser of the preliminary appraised value of the site or the amount the district reasonably expects to pay for the site acquisition including any hazardous material clean-up but not less than \$50,000.
- (4) The estimated DTSC costs for review, approval, and oversight of the POESA and the PEA.
- (c) If the conditions in (a) are met on a site that will require a RA, the district is eligible for a separate site apportionment not to exceed 50 percent of one and one half times the value of an appraisal that conforms to Section 1859.74.1 for the costs included in (c)(1) and (c)(4) plus the additional costs included in (c)(2) and (c)(3). The costs included in (c)(2) and (c)(3) are in addition to 50 percent of one and one half times the appraisal value cap.
- (1) The cost of the site as determined in Section 1859.74.1 and the amount the district reasonably expects to pay for any hazardous materials/waste removal and/or remediation costs for the site.
- (2) Fifty percent of the estimated relocation expenses that will conform to Title 25, California Code of Regulations, Section 6000, et seq. The reasonable and necessary relocation costs for purchasing fixtures and equipment, personal property, new machinery/equipment, and the installation of any improvements at the replacement residence or business location may be included as relocation assistance.
- (1) Fifty percent of four percent of the lesser of the appraised value of the site or the amount the district reasonably expects to pay for the site acquisition including any hazardous materials/waste removal and/or remediation costs for the site, but not less than 50 percent of \$50,000.
- (2) The estimated DTSC costs for review, approval and oversight of the POESA and the PEA.
- (d) The limitation of 50 percent of one and one half times the value of an appraisal for costs in subsections (c), (c)(1) and (c)(4) may be exceeded when the Board finds that unforeseen circumstances exist, and when both of the following exist:
 - (1) CDE determines that the site is the best available site for meeting the educational and safety needs of the School District.
 - (2) Substantiation that the costs are limited to the minimum required to complete the evaluation and RA approved by the DTSC.
- (e) For new construction projects, the Board will apportion an amount not to exceed 40 percent of the new construction grant less any district funds available for the project pursuant to Section 1859.81(a). For modernization projects, the Board will apportion an amount not to exceed the following:
 - (1) If the Approved Application is received on or before April 29, 2002, 20 percent of the modernization grant less any district funds available for the project pursuant to Section 1859.81(a).
 - (2) If the Approved Application is received after April 29, 2002, 25 percent of the modernization grant less any district funds available for the project pursuant to Section 1859.81(a).

The amount apportioned is an estimate of the funds needed for design, engineering, and other pre-construction project costs.

Qualifying districts may request a separate apportionment for the design and for site acquisition for the same new construction project. Those projects requesting an Overcrowding Relief Grant, pursuant to Section 1859.180, do not qualify for these separate apportionments.

The amount provided as a separate apportionment shall be offset from the New Construction Adjusted Grant or the Modernization Adjusted Grant amount the district would otherwise be eligible for pursuant to Sections 1859.70 and 1859.81 when the district submits Form SAB 50-04. A district seeking a separate apportionment for site acquisition or design costs shall submit Form SAB 50-04. If a new construction project received a previous design apportionment, the district may request an additional design apportionment for that project up to the 40 percent maximum design apportionment allowed pursuant to this Section.

The Form SAB 50-04 that is subsequently submitted for the New Construction Adjusted Grant must be for at least 50 percent of the New Construction Grant the district requested as a separate design apportionment.

The Form SAB 50-04 that is subsequently submitted for the Modernization Adjusted Grant must be for at least 80 percent of the Modernization Grant the district requested as a separate design apportionment that was received on or before April 29, 2002.

The Form SAB 50-04 that is subsequently submitted for the Modernization Adjusted Grant must be for at least 60 percent of the Modernization Grant the district requested as a separate design apportionment that was received after April 29, 2002.

When the Board is accepting applications pursuant to Section 1859.95, the funding of the new construction or modernization grant may be made from funds set aside by the Board for financial hardship. The amount provided as a separate apportionment shall be adjusted at a future date to assure that hardship funding for the project does not exceed the amount the district was otherwise eligible to receive.

Note: Authority cited: Sections 17070.35, 17072.13 and 17075.15, Education Code.

Reference: Sections 17072.12, 17072.20, 17072.33, 17074.15, ~~and~~ 17074.16, and 17079.20, Education Code.

Section 1859.81.2. Separate Apportionment for District-Owned Site Acquisition Costs.

A district that meets the financial hardship criteria in Section 1859.81, with the exception of those projects requesting an Overcrowding Relief Grant pursuant to Section 1859.180, is eligible for the following:

- (a) A separate apportionment for district-owned site acquisition cost authorized by Section 1859.74.5 when all the following are met:
 - (1) The district has eligibility for new construction grants that equal at least 50 percent of the CDE master plan capacity of the site.
 - (2) All the criteria in Section 1859.74.5(a)(1) through ~~(1)~~(a)(7) are met.
- (b) If the conditions in (a) are met, the Board will apportion one half of the value of the district-owned site as determined in Section 1859.74.5(b).

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.12, 17072.13, ~~and~~ 17072.20, and 17079.20, Education Code.

...

Section 1859.103. Savings.

A district may expend the savings not needed for a project on other high priority capital facility needs of the district including the relocation of district facilities necessary as a result of Subdivision (b) of Education Code Section 17072.12. The grants for the projects funded pursuant to Section 1859.70.2 or Section 1859.180 shall be limited to eligible expenditures, up to the State Apportionment for the project. Savings may be declared by the district in writing to the OPSC any time after the release of all funds for the project.

With the exception of savings attributable to a site apportionment made pursuant to Sections 1859.74.5 or 1859.81.2, the State's portion of any savings declared by the district or determined by the OPSC by audit must be used to reduce the SFP financial hardship grant of that project or other financial hardship projects within the district for a period of three years from the date the savings were declared by the district or determined by the OPSC audit. The State's portion of any savings from a new construction project or a Joint-Use Project may be used as a district matching share requirement, only on another new construction project, and the State's share of any savings from a modernization project may be used as a district matching share requirement, only on another modernization project.

Any interest earned on a financial hardship project not expended on eligible project expenditures will be treated as savings and will be used to reduce the SFP financial hardship grant for that project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.63, 17072.12, ~~and~~ 17077.40, and 17079.20, Education Code.

Section 1859.104. Program Reporting Requirements.

A district receiving funds in accordance with the Act shall submit the following:

- (a) An expenditure report from the district on the Form SAB 50-06. The program reporting requirements are as follows:
 - (1) The first expenditure report shall be due one year from the date that any funds were released to the district for the project pursuant to Section 1859.90, or upon completion of the project, whichever occurs first. A project shall be deemed complete when either of the following occur:
 - (A) When the notice of completion for the project has been filed, all outstanding invoices, claims, change orders have been satisfied and the facility is currently in use by the district.
 - (B) Three years from the date of the final fund release for an elementary school project or four years from the date of the final fund release for a middle or high school project.
 - (2) The second and subsequent expenditure reports, if necessary, shall be due annually beginning one year from the first report, or upon completion of the project, whichever occurs first. The final expenditure report must be made no later than three years from the date of the final fund release for an elementary school project or four years from the date of the final fund release for a middle or high school project.
- (b) With the exception of projects that qualify for an apportionment pursuant to Section 1859.75.1, a progress report, in the form of a narrative from the district, shall be due 18 months from the date any funds were released to the district for the project pursuant to Section 1859.90. The progress report shall include information regarding the progress the district has made towards substantial completion of the project. If the notice of completion has been filed within 18 months of the release of funds pursuant to Section 1859.90, or the expenditure reports required in (a)(1) or (2) indicate that substantial progress (as defined in Section 1859.105) on the project has occurred, no progress report is required.
- (c) A progress report, in the form of a narrative from the district, shall be due 12 months from the date the site acquisition funds were apportioned to the district for the project pursuant to Section 1859.75.1. The progress report shall include information regarding the progress the district has made towards acquiring the site as outlined in Section 1859.105.1 and may contain other evidence of reasonable effort to substantiate progress towards acquiring the site for purposes of an extension of the site apportionment as authorized by Education Code Section 17072.13(c)(2).
- (d) If an apportionment was made for a district-owned site pursuant to Section 1859.74.5, a certification that the non-school function currently taking place on the district-owned site has been discontinued or relocated. The certification must be submitted to the OPSC no later than the following dates:
 - (1) If the project is for an elementary school, 66 months from the date of the site apportionment.
 - (2) For all other projects, 78 months from the date of the site apportionment.
- (e) If an Apportionment was made under the Small High School Program pursuant to:
 - (1) Section 1859.78.9 or Section 1859.93.2, a cost evaluation report shall be due to the OPSC no later than two complete school years after the Occupancy of the approved project.
 - (2) Section 1859.93.2, the district must provide a preliminary report on any academic data requested by CDE two complete school years after the Occupancy of the approved project. The final report shall be due no later than two complete school years after the OPSC notifies the district of the Occupancy of the last approved project.
- (f) If an Apportionment was made under the Overcrowding Relief Grant pursuant to Section 1859.180, the School District must provide a certification that the replaced portables were removed from the eligible site and from service per Education Code Section 17079.30.

Note: Authority cited: Sections 17070.35 and 17072.13, 17079.30 Education Code.

Reference: Sections 17070.35, 17070.99, 17072.12, 17072.13 ~~and~~ 17076.10, and 17079.30 Education Code.

...

Article 15. Overcrowding Relief Grant

Section 1859.180. General.

A School District seeking an Apportionment pursuant to the provisions of Education Code Section 17079 through 17079.30 for new construction shall complete and file a Form SAB 50-04.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17079.20, Education Code.

Section 1859.181. Eligible Schools.

An eligible school is a school for which the school site pupil population density is equal to or greater than 175% of the school site pupil population density recommended by the CDE, based on the CBEDS Report for the 2005/2006 enrollment year, adjusted by the CDE by the following factors:

- (a) Reduced to take into account the additional pupil capacity created by multistory construction.
- (b) Reduced to take into account approved new construction projects, including projects approved pursuant to the Critically Overcrowded School Facilities Program, Education Code Sections 17078.10 through 17078.30, unless the School District can demonstrate that those projects are not impacting density at the eligible school site.

In order to determine the school site pupil population density, the School District shall complete and submit to the CDE the Overcrowding Relief Grant Eligibility Determination form.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17079, Education Code.

Section 1859.182. Determining Overcrowding Relief Pupil Eligibility.

(a) For purposes of the Overcrowding Relief Grant, an eligible pupil is a pupil that is housed in a portable classroom at the eligible school site, less the prorated number of portables that were funded by the Class Size Reduction Program pursuant to Chapter 6.10 of the Education Code. The Class Size Reduction prorate shall be calculated as follows:

- (1) Determine the total number of portables funded pursuant to Chapter 6.10 of the Education Code.
- (2) Divide the amount determined in (a)(1) by the total number of schools currently in the School District that serve grades K-3. The resulting number of classrooms must be reduced from each eligible school site that serves grades K-3. The total number of portable classrooms that are reduced from all eligible school sites shall not exceed the amount determined in (a)(1).

(b) The determination of the district-wide pupil eligibility shall be determined by the submittal of the Form SAB 50-11.

(c) The determination of the site specific pupil eligibility shall be determined by the CDE on the Overcrowding Relief Grant Eligibility Determination and will be conducted on a one-time basis for each eligible school.

(d) The site specific and district-wide pupil eligibility may be adjusted as follows:

- (A) Reduced by the number of eligible pupils that receive an Overcrowding Relief Grant.
- (B) Adjusted as a result of errors or omissions by the School District or by the OPSC.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17079.10, Education Code.

Section 1859.183. Funding.

The Board shall provide a New Construction Adjusted Grant to each eligible pupil requested in the project. The pupil grants may be requested by the School District at any grade level, regardless of the grade level of the eligible school.

The maximum number of Overcrowding Relief Grants for each eligible school site shall be subject to the following limitations:

- (1) The number of Overcrowding Relief Grants may not exceed the number of pupils whose removal from the pupil density calculation would reduce the density of the eligible school site to 150 percent of the school site pupil population density recommended by the CDE, based on the CBEDS reported for the 2005/2006 enrollment year.
- (2) The number of Overcrowding Relief Grants may not exceed the capacity of those portables on the eligible school site that are being replaced in the project.

In no event shall a School District receive in total more Overcrowding Relief Grants than the number of pupils housed in portable classrooms that were included in the School District's initial new construction eligibility determination pursuant to Education Code 17071.75 as identified in part on Line 1 of Part III of the Form SAB 50-02 and as calculated on the Form SAB 50-11.

The Overcrowding Relief Grant must be used to replace an equivalent number of portable classrooms with permanent classrooms. Those portables that are replaced with Overcrowding Relief Grants must be removed from the eligible school site and from K – 12 grade classroom use, pursuant to Education Code Section 17079.30, within six months of the date of Occupancy of the replaced permanent classrooms. Overcrowding Relief Grants may be used for those purposes pursuant to Education Code 17072.35 with the exception of the construction, acquisition or transportation of portable classrooms. Those School Districts receiving an Overcrowding Relief Grant must comply with all new construction provisions of the SFP, including but not limited to Sections 1859.100, 18593.102, 1859.104, 1859.105, and 1859.106.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17079.10, 17079.20 and 17079.30, Education Code.

Section 1859.184. Overcrowding Relief Grant Application Submittals and Apportionments

The Board shall accept approved applications for Overcrowding Relief Grants as follows:

- (a) For the funding made available for this purpose for the first funding cycle, the School District shall submit an approved application by January 31, 2008.
- (b) The Board shall accept approved applications on a semi-annual basis thereafter.

The Board shall apportion Overcrowding Relief Grants based upon the highest density of the eligible schools that have submitted an approved application. Any School District that does not receive an Overcrowding Relief Grant due to low school density and insufficient funds may request that its application remain with the OPSC for consideration in the following semi-annual funding cycle.

The Board shall apportion the Overcrowding Relief Grants as follows:

- (a) For the first funding cycle, up to a maximum of \$500 million for all approved applications that are received by January 31, 2008.
- (b) For the second funding cycle, up to a maximum of \$300 million for all approved applications that are received by July 31, 2008, plus any remaining funds not apportioned during the previous funding cycle.
- (c) Approved applications that are received by January 30, 2009 shall be apportioned any remaining funds not allocated at the previous funding cycles, plus an additional \$200 million. Should funds remain following the third funding cycle, those funds shall be pooled for a subsequent funding cycle.

The approved applications for Overcrowding Relief Grants must provide a narrative indicating how the project will relieve overcrowding at the eligible school.

A School District may submit an approved application to request an Overcrowding Relief Grant from the funding provided under Proposition 1D for a project that has been occupied, if the construction contract for the project was signed after Board approval of these regulations. The School District must have obtained all project approvals required for a new construction funding application prior to the construction contract date.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Section 17079.20, Education Code.

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 02/07/06/06)

GENERAL INFORMATION

Once the Board has determined or adjusted the district's eligibility for either new construction or modernization funding, the district may file an application for funding by use of this form. The Board will only provide new construction funding if this form is submitted prior to the date of occupancy of any classrooms included in the construction contract. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file an application for funding until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.

For purposes of Education Code Section 17073.25, the California Department of Education (CDE) is permitted to file modernization applications on behalf of the California Schools for the Deaf and Blind.

Requests for funding may be made as follows:

1. A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE.
 - Preliminary appraisal of property.
 - Approval letter from the Department of Toxic Substances Control.
2. A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Contingent site approval letter from the CDE (site apportionment only).
 - Preliminary appraisal of property (site apportionment only).
3. A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):
 - Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
 - Site approval letter from the CDE.
 - Appraisal of district-owned site.
 - Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
4. A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).
5. A New Construction Adjusted Grant pursuant to Section 1859.70 or 1859.180. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
- Site/plan approval letter from the CDE.
- Appraisal of property if requesting site acquisition funds.
- Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Cost estimate of proposed site development, if requesting site development funding.
- If this request is pursuant to Section 1859.77.2 and the district's housing plan is other than those listed in the certification section of this form, a copy of the school board resolution and the approved housing plan.
- If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.
- If this is a request for funding under the Small High School Program, pursuant to Regulation Section 1859.93.2, the district must also provide a CDE Small High School academic reform strategy approval.
- If this request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, a justification of how the project relieves overcrowding, including but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or bussing in excess of 40 minutes.

6. For purposes of the Overcrowding Relief Grant (ORG), districts must submit the Overcrowding Relief Grant District-Wide Eligibility Determination (Form SAB 50-11) prior to the submittal of this funding application. In addition, districts must have had the CDE deem the site eligible for the ORG (pursuant to Section 1859.181) prior to the submittal of this application. For purposes of this apportionment, the following documents must be submitted with this form as well as the documents listed in section 5 above:

- Overcrowding Relief Grant Eligibility Determination Form approved by the CDE.
- Copies of the supporting documentation provided to the CDE when determining the density of the site, including the site diagram.

The district is not required to submit its current CBEDS enrollment data.

Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-03 (if not previously submitted).
- P&S for the project that were approved by the DSA.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- Cost estimate of the proposed site development necessary for the Reconfiguration of an existing high school.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).
- If the request includes funding for 50 year old permanent buildings pursuant to Section 1859.78.6, a site diagram identifying all buildings to be modernized in the project. The diagram must specify those buildings that are at least 50 years old.

Prior to acceptance of an application for funding that includes a financial hardship request, the district must have its financial hardship status "pre-approved" by the Office of Public School Construction (OPSC). To apply for a financial hardship "pre-approval", consult the OPSC Web site at www.opsc.dgs.ca.gov.

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 02/07/06/06)

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. In addition, if the district's request is fully or partially based on eligibility derived from an Alternative Enrollment Projection, the district must update the Alternative Enrollment Projection to correspond with the CBEDS enrollment data for the current year. A small district with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of three years from the date the district's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC processing, consult the SFP handbook and other information located on the OPSC Web site at www.opsc.dgs.ca.gov.

For purposes of completing this form for a Final Charter School Apportionment, a charter school shall be treated as a school district.

SPECIFIC INSTRUCTIONS

The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the district has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at www.opsc.dgs.ca.gov "PT Number Generator."

1. Type of Application

Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for the modernization of school facilities and includes facilities that are eligible for an additional apportionment pursuant to Section 1859.78.8, include a site diagram with this application that specifies the age of each facility eligible for modernization. The diagram should also indicate the date of its original DSA plan approval and the date the facility received its prior modernization apportionment. If known include the project modernization number on the diagram. If the application is for modernization of a California School for the Deaf or Blind, the CDE shall check the box identified as Modernization of California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of the need for new or replacement facilities pursuant to Section 1859.82 (a) and (b), or rehabilitation pursuant to Section 1859.83 (e), check the appropriate box.

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

If this request is for an Overcrowding Relief Grant, check the New Construction (Overcrowding Relief Grant) box.

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction (Final Apportionment or Final Charter School Apportionment) box.

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 12, 13, 14, 15 and 21 only.

2. Type of Project

- a. Select the type of project that best represents this application request and enter the total number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

If this request is for a Final Apportionment, the pupils assigned to the project must be at least 75 percent, but not more than 100 percent, of the pupils that received the Preliminary Apportionment. Refer to Section 1859.147.

For ORG projects, the amount entered cannot exceed the Overcrowding Relief Pupil Eligibility (pursuant to Section 1859.182 and 1859.183) as reflected in the total number of eligible pupils determined by the Form SAB 50-11 or the CDE Overcrowding Relief Grant Eligibility Determination form.

- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:
 - The total number of eligible classrooms or the total eligible square footage building area at the site. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
 - The total number of permanent classrooms or the total permanent square footage building area that is at least 50 years old and not been previously modernized with state funds. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).
 - Enter the greater percentage as calculated under Regulation Section 1859.78.6(b)(1)(C) or Regulation Section 1859.78.6(b)(2)(C).
 - If this project includes eligible 50 year or older pupil grants, enter the appropriate number assigned to the project for each grade group. The number of pupils entered cannot exceed the cumulative number of 50 year or older permanent buildings pupil grants requested for all modernization funding applications for the site as determined by using the percentage factor above.
- c. If this request includes pupil grants generated by an Alternative Enrollment Projection Method, enter the number of pupils by grade level.
- d. Indicate if this request is for funding of a 6–8 school and/or an Alternative Education School.
- e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K–6; 27 for 7–8, 9–12 grades; 13 for non-severe and 9 for severe.
- f. If the request is for replacement facilities pursuant to Section 1859.82 (a) or (b) on the same site, check the facility hardship box.
- g. For ORG projects, the district must provide the following information in the space provided:
 - Name of the eligible school site(s) where portables will be replaced in this project
 - Number of portables being replaced at each school site

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 02/07/06/06)

- Number of site specific eligible pupils being requested for this project for each school site. The total number of site specific eligible pupils assigned to this project must equal the total number of pupils in Section 2a.

3. Number of Classrooms

Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.
- Master plan site size, as recommended by the California Department of Education.
- Recommended site size, as determined by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).
- Proposed Useable Acres that was/will be purchased as part of the application (if any).

4. Financial Hardship Request

Check the box if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement. Refer to Section 1859.81 for eligibility criteria. Districts requesting financial assistance must have received a pre-approval for financial hardship status by the OPSC. Consult the OPSC Web site at www.opsc.dgs.ca.gov for details and necessary documentation needed in order to determine eligibility.

5. New Construction Additional Grant Request

Check the appropriate box(es) if the district requests an augmentation to the new construction grant for "additional" grants for the items listed or for replacement facilities pursuant to Section 1859.82(a) and (b). Refer to Sections 1859.72 through 1859.76 and 1859.82(a) and (b) for eligibility criteria. Enter the:

- Therapy area in square feet as provided in Section 1859.72.
- Multilevel classrooms in the P&S pursuant to Section 1859.73.
- Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- Indicate the site scenario that best represents the project request. If no RA is required, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
 - Enter 50 percent of the actual cost.
 - Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
 - Enter 50 percent of the allowable relocation cost.
 - Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
 - Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1. If the

district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values.

A project that received site acquisition funds under the Lease-Purchase Program (LPP) as a priority two project is not eligible for site acquisition funds under the SFP. A district-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Regulation Section 1859.74.5.

- Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.
 - Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. If the district is submitting a funding request for new construction under the Small High School Program, enter the 60 percent values. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.
- Check the box if the district is requesting an Additional Grant for General Site Development pursuant to Section 1859.76
- If the district is requesting replacement facilities on the same site, enter the square footage requested as provided in Section 1859.82(a) or (b).
 - Enter the square feet of eligible replacement area as provided by Section 1859.73.2.
 - If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3(a)(3).
 - Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.71.2.

6. Modernization Additional Grant Request

- Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5(a)(3).
- Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
- Check the box if the district is requesting a Separate Apportionment for Reconfiguration pursuant to Section 1859.78.9. Enter the full value of the Reconfiguration request, not to exceed an aggregate of \$500,000 for all high school entities created.
- Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Section 1859.78.4.

7. Excessive Cost Hardship Request

Check the appropriate box to request an augmentation to the New Construction or Modernization Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for a new two-stop elevator(s) and for additional stops in a modernization project are

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 02/07/06/06)

allowed only if required by the Division of the State Architect (DSA). Attach copy of the DSA letter that requires that the elevator(s) be included in the project for handicapped access compliance.

If the request is for the excessive cost grant for a new Alternative Education school pursuant to Section 1859.83(c)(2) and the district wishes to request less than the maximum allowance, please submit a letter along with application indicating the desired amount.

If the request is for rehabilitation mitigation, report 80 percent or 60 percent (as appropriate) of health/safety rehabilitation mitigation cost for a modernization project as authorized by Section 1859.83(e).

8. Project Priority Funding Order

Enter the priority order of this project in relation to other new construction applications submitted by the district on the same date. If applications are not received on the same date, the OPSC will assign a higher district priority to the application received first. Check the box(es) if the project meets the criteria outlined in Section 1859.92(c)(3),(4) and (6), as appropriate. This information is needed for purposes of priority points.

9. Prior Approval Under the LPP

If the project the district is requesting SFP grants for received a Phase P, S, or C approval under the LPP, report the application number of that project, regardless if the project actually received funding or was included on an "unfunded" list. Failure to report this information may delay the processing of the application by the OPSC.

10. Prior Apportionment Under the SFP

If the project received a separate apportionment under the SFP for either site and/or design, or site environmental hardship, enter the application number of the project. Failure to report this information may delay the processing of the application by the OPSC.

11. Preliminary Apportionment to a Final Apportionment

If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.

12. Alternative Developer Fee

The district must report certain alternative fees collected pursuant to Government Code Section 65995.7, as of the date of application submittal to the OPSC. Refer to Section 1859.77 for details. Districts are advised that the OPSC may perform an audit of the developer fees collected prior to application approval by the Board.

13. Adjustment to New Construction Baseline Eligibility

Pursuant to Section 1859.51 certain adjustments to the district's new construction baseline eligibility must be made each time a district submits Form SAB 50-04, to the OPSC for SFP new construction or modernization grants. These adjustments are made by the OPSC based on information reported by the district on this form.

- Report all additional classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, or indicate N/A if there are none. Refer to Section 1859.51(i).
- If the eligibility for this project was determined on a high school attendance area (HSAA) or Super HSAA pursuant to Section 1859.41, enter the number of

pupils by grade level type that were included in the latest report by the CDE pursuant to Education Code Section 42268 that received operational grants in that HSAA or Super HSAA.

14. Pending Reorganization Election

Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the district must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the district's new construction baseline eligibility as a result of the reorganization and submit them with this form.

15. Joint-Use Facility/Leased Property

Check the box if:

- The facilities to be constructed/modernized as part of this project will be for joint use by other governmental agencies.
- The new construction or modernization grants will be used for facilities located or to be located on leased property.

16. Project Progress Dates

Complete this section for new construction/modernization projects:

- Enter the date the initial construction contract was signed for this project. If a construction contract has not been executed, enter N/A.
- Enter the issue date for the Notice to Proceed for the construction phase of the project, or enter N/A if a Notice to Proceed has not been issued.

17. Labor Compliance Program

Indicate whether the district is subject to a Labor Compliance Program that has been approved by the Department of Industrial Relations pursuant to Labor Code Section 1771.7 by checking the appropriate box.

18. Construction Delivery Method

Check the box that best represents the construction delivery method that the district has or will use for this project, if known.

19. Overcrowding Relief Grant Narrative

The district must either provide an explanation in the space provided or attach a letter signed by the district representative detailing how this project will relieve overcrowding.

2019. Architect of Record or Licensed Architect Certification

The architect of record or the licensed architect must complete this section.

2120. Architect of Record or Design Professional Certification

The architect of record or the appropriate design professional must complete this section.

2221. Certification

The district representative must complete this section. For additional information regarding district certifications, refer to the SFP handbook located on the OPSC web site at www.opsc.dgs.ca.gov.

**APPLICATION FOR FUNDING
SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 02/07/06/06)

e. 50 percent hazardous waste removal: \$ _____

☐ Response Action (RA)

f. Site Development

☐ 50 percent Service-Site: \$ _____☐ 50 percent Off-Site: \$ _____☐ 50 percent Utilities: \$ _____☐ General Site

g. Facility Hardship Section 1859.82(a) or (b)

☐ Toilet (sq. ft.): _____☐ Other (sq. ft.): _____

h. Replacement area

☐ Toilet (sq. ft.): _____☐ Other (sq. ft.): _____i. ☐ Energy Efficiency: _____ %j. ☐ Automatic Fire Detection/Alarm System☐ Automatic Sprinkler System**6. Modernization Additional Grant Request—Modernization Only**a. ☐ Project Assistanceb. ☐ Energy Efficiency: _____ %c. ☐ Site Development—60 percent utilities: \$ _____d. ☐ Separate Apportionment for Reconfiguration
(for Small High School Program only): \$ _____e. ☐ Automatic Fire Detection/Alarm System☐ Automatic Sprinkler System**7. Excessive Cost Hardship Request****New Construction Only**☐ Geographic Percent Factor: _____ %☐ New School Project [Section 1859.83(c)(1)]☐ New School Project [Section 1859.83(c)(2)]☐ New School Project [Section 1859.83(c)(3)]☐ Small Size Project☐ Urban/Security/Impacted Site;

If a new site, \$ _____ per Useable Acre [Section 1859.83(d)(2)(C)]

Modernization Only☐ Rehabilitation/Mitigation [Section 1859.83(e)]: \$ _____☐ Geographic Percent Factor: _____ %☐ Handicapped Access/Fire Code (3 percent)☐ Number of 2-Stop Elevators: _____☐ Number of Additional Stops: _____☐ Small Size Project☐ Urban/Security/Impacted site**8. Project Priority Funding Order—New Construction Only**Priority order of this application in relation to other new construction applications
submitted by the district at the same time: # _____

Project meets:

☐ Density requirement pursuant to Section 1859.92(c)(3).☐ Stock plans requirement pursuant to Section 1859.92(c)(4).☐ Energy efficiency requirement pursuant to Section 1859.92(c)(6).**9. Prior Approval Under the LPP**

New Construction: 22/ _____

Modernization: 77/ _____

10. Prior Apportionment Under the SFP

Site/Design—New Construction: 50/ _____

Design—Modernization: 57/ _____

11. Preliminary Apportionment to Final Apportionment

Preliminary Apportionment Application Number: # _____

12. Alternative Developer Fee—New Construction Only

Alternative developer fee collected and reportable pursuant to

Regulation Section 1859.77: \$ _____

13. Adjustment to New Construction Baseline Eligibility

a. Additional Classroom(s) provided: K-6: _____

7-8: _____

9-12: _____

Non-Severe: _____

Severe: _____

b. Operational Grant (HSAA) only: K-6: _____

7-8: _____

9-12: _____

Non-Severe: _____

Severe: _____

14. Pending Reorganization Election—New Construction Only ☐ Yes ☐ No**15. Joint-Use Facility/Leased Property**a. ☐ Joint-Use Facilityb. ☐ Leased Property**16. Project Progress Dates**

a. Construction Contract signed on: _____

b. Notice to Proceed issued on: _____

17. Labor Compliance Program

Will you be required to initiate and enforce a Labor Compliance Program

pursuant to Labor Code Section 1771.7 for this project? ☐ Yes ☐ No**18. Construction Delivery Method**☐ Design-Bid-Build☐ Design-Build☐ Developer Built☐ Lease Lease-Back☐ Energy Performance Contract☐ Other: _____**19. Overcrowding Relief Grant Narrative**

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 02/07/06/06)

2019. Architect of Record or Licensed Architect Certification

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on _____ (enter DSA approval date).
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization Grant, the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization Grant, the P&S include the construction of more classrooms than those to be demolished in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)

 ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

 SIGNATURE

 DATE

2120. Architect of Record or Design Professional Certification

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, not including the ORG, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

 ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

 SIGNATURE

 DATE

2221. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 19 and 20, is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- Pursuant to Education Code Section 17070.755, the district has made a priority of the funds in the restricted maintenance account, established pursuant to Education Code Section 17070.75, to ensure that facilities are functional and meet local hygiene standards; and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
 - ☐ 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 - ☐ 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.
- Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 02/07/06/06)

- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
 - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
 - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
- If this request is for a Large New Construction Project or a Large Modernization Project, the district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Sections 51224, 51225.3(b) and 51226.1; and
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and
- If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies that it has an academic reform strategy scored by the CDE, and is available at the district office for OPSC verification; and
- If this application is submitted pursuant to Section 1859.93.2, the district certifies the enrollment at the Small High School will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the last Small High School funded, as outlined in Section 1859.104(e)(2); and
- If this application is submitted pursuant to Section 1859.78.9, the district certifies the enrollment at the resulting Small High Schools will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the Small High Schools; and
- If this application is submitted pursuant to Section 1859.78.9 or Section 1859.93.2, the district certifies that it will meet all reporting requirements as specified in Section 1859.104(e)(1) and/or (2); and
- If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c).

STATE OF CALIFORNIA
EXPENDITURE REPORT
SCHOOL FACILITY PROGRAM

SAB 50-06 (REV 09/02/07)

STATE ALLOCATION BOARD
OFFICE OF PUBLIC SCHOOL CONSTRUCTION

Page 1 of 1

SCHOOL DISTRICT		APPLICATION NUMBER
BUSINESS ADDRESS		REPORT NUMBER
COUNTY		PERIOD ENDING
PREPARER'S NAME (TYPED)	PREPARER'S TITLE (TYPED)	TELEPHONE/E-MAIL ADDRESS
DISTRICT REPRESENTATIVE NAME (TYPED)	DISTRICT REPRESENTATIVE TITLE (TYPED)	TELEPHONE/E-MAIL ADDRESS

INSTRUCTIONS (refer to Title 2, California Code of Regulations Sections 1859.104 through 1859.106)

1. Enter the estimated percentage of the project completed at the time of this report.
2. Enter the date construction actually began as stated in the architect's notice to proceed to the contractor.
3. Enter the date construction was completed as stated in the notice of completion on the last working contract.
4. If this is the first report submitted, enter "\$0" in this column. If there are prior reports, the amount reported in this column is the amount reported in column 6 of the preceding report.
5. Enter the transaction amounts during the current period.
6. Enter the sum of the corresponding line items in columns 4 and 5.
7. Enter the amount of district funds or Joint-Use Partner(s) funds contributed towards the project.
8. Enter the amount of State warrants received towards the project.
9. Enter the amount of interest earned on State and district funds.
10. Enter the total amount spent from State and district funds. Provide a detailed listing of each expenditure by warrant, the date of the warrant, payee, warrant number, and description/purpose of the expenditure. Identify any savings and the purposes for which it will be used. Identify expenditures made with district force account labor separately. The use of a transaction record, in lieu of warrant numbers, is acceptable for force account expenditures.
11. Enter the State funds remaining after all project costs are paid. (Sum of lines 7, 8, and 9 and subtract line 10.)
12. If applicable, enter the district's SFP financial hardship project(s) that savings from this project will be used.
13. If this is an Overcrowding Relief Grant project, please attach a narrative signed by the district representative detailing how the district removed the replaced portables from the eligible school site and K-12 grade classroom use pursuant to Education Code Section 17079.30.

Submit to: Department of General Service Office of Public School Construction Attn: SFP Audit 1130 K Street, Suite 300 Sacramento, CA 95814	1. PERCENT OF PROJECT COMPLETED _____	2. NOTICE TO PROCEED DATE _____	3. NOTICE OF COMPLETION DATE _____
	4. PREVIOUS REPORT	5. REPORT PERIOD	6. TOTAL TO DATE
	7. DISTRICT FUNDS OR JOINT-USE PARTNER(S) CONTRIBUTION		
	8. STATE FUNDS		
	9. INTEREST EARNED		
	10. PROJECT EXPENDITURES		
	11. TOTAL PROJECT SAVINGS		

12. If applicable, list the School Facility Program hardship projects and the amount of the savings that will be used:

PROJECT NUMBER _____	PROJECT NUMBER _____
_____	_____

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district; and,
- Under penalty of perjury, under the laws of the State of California, the foregoing statements are true and correct, and that the Public Contract Code was adhered to in the construction of this project; and,
- This form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
_____	_____

**OVERCROWDING RELIEF GRANT DISTRICT-WIDE ELIGIBILITY DETERMINATION
SCHOOL FACILITY PROGRAM**

SAB 50-11 (NEW 02/07)

GENERAL INFORMATION

As part of the district's request for new construction funding for the Overcrowding Relief Grant (ORG) under the School Facility Program (SFP), a determination of the district's District-wide/High School Attendance Area (HSAA)/Super HSAA pupil eligibility must be made. This shall be a one time report that is determined based upon the information reported on the district's Existing School Building Capacity (Form SAB 50-02) at the time the district established its SFP new construction eligibility. If the district has not established its new construction eligibility, it will be required to do so for purposes of determining district-wide eligibility for the ORG program.

In order to determine site specific pupil eligibility the district must complete the California Department of Education's (CDE) Overcrowding Relief Grant Eligibility Determination form.

SPECIFIC INSTRUCTIONS

If the district is submitting this form to correct an error or omission that was previously reported, please check the appropriate box.

Section I – Classroom Inventory

Complete the school district information as requested. If the high school district, unified school district, or county superintendent of schools established the SFP new construction eligibility on a HSAA or Super HSAA basis, it must submit one Form SAB 50-11 for each HSAA or Super HSAA.

Section II – Determination of District-Wide ORG Pupil Eligibility

Provide the requested information to complete the calculation of the district/HSAA eligibility.

Section III – Class Size Reduction Program Information and Calculation of Prorate

Provide the number of K–3 portables that were funded under the Class Size Reduction (CSR) Program pursuant to Chapter 6.10 of the Education Code. Calculate the prorate as requested. This prorate will need to be reduced from each eligible school site that serves grades K–3 on the CDE Overcrowding Relief Grant Eligibility Determination form. If the prorate determined requires the district to round up to the nearest whole number, the CSR portable adjustments shall not exceed the total number of CSR portables reported.

DRAFT

OVERCROWDING RELIEF GRANT DISTRICT-WIDE ELIGIBILITY DETERMINATION

SCHOOL FACILITY PROGRAM

SAB 50-11 (NEW 02/07)

SCHOOL DISTRICT	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

☐ New
 ☐ Correcting an Error/Omission

Section I – Classroom Inventory (Refer to the district's Form SAB 50-02 for purposes of providing this information.)

☐ Option A

If the district chose Option A on the Form SAB 50-02, the number of portables that were included in the district's/HSAA's new construction eligibility is the sum of the following:

FORM SAB 50-02, PART II, OPTION A	K-6	7-8	9-12	NON-SEVERE	SEVERE	TOTAL
Line a						
Line b						
Line c						
Total						

☐ Option B

If the district chose Option B, the number of portables included in the district's/HSAA's new construction eligibility is determined by the following:

FORM SAB 50-02	K-6	7-8	9-12	NON-SEVERE	SEVERE	TOTAL
Part I, Line 8						
Less Part I, Line 7						
Less Part II, Option B, Line d						
Total						

Section II – Determination of District-Wide ORG Pupil Eligibility

	K-6	7-8	9-12	NON-SEVERE	SEVERE	TOTAL
Total District-Wide Portables (as determined in Part I)						
Multiplied by State Loading Standard	× 25	× 27	× 27	× 13	× 9	
Maximum Number of district-wide ORG Grants that may be requested						

Section III – Class Size Reduction Program Information and Calculation of Prorate

- The following number of (K-3 grade) portables were funded pursuant to Chapter 6.10 of the Education Code: _____
- Total Number of schools that serve grades K-3 in the district/HSAA: _____
- Prorate Determination: Divide Line 1 by Line 2 and round to the nearest whole number: _____
- The Number of Pupils Housed in CSR portables: Multiply the Prorate determined in 3 above by the State Loading Standard (25): _____

Certification

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district or the designee of the Superintendent of Public Instruction; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code was adopted by the School District's Governing Board or the designee of the Superintendent of Public Instruction on _____; and,
- This form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE	DATE
--------------------------------------	------

ATTACHMENT B
California Department of Education

Overcrowding Relief Grants Eligibility Determination

Instructions

General Information

This form is used to determine if a school site is eligible for Overcrowding Relief Grants (ORG) and the maximum number of pupil grants for which the site is eligible. This form captures both the new construction adjustment that is determined on the Overcrowding Relief Grant Pupil Adjustment Form and the adjustment for multistory construction.

Complete this form first. Areas shaded in blue require data entry. All other fields automatically populate.

Local Educational Agency Information

Date – Enter the date the Overcrowding Relief Grant (ORG) forms are completed.

CDS Code – Enter the 2-digit county code, 5-digit district code, and 7-digit school code assigned to each school site by the CDE.

County – Enter the county in which the school is located.

Local Educational Agency – Enter the name of the local educational agency (LEA).

School – Enter the name of the school site requesting ORG eligibility.

Net Usable Acres – Enter the total net usable acres for the school site. For purposes of ORG, "net usable acres" shall not include: (1) land rendered useless due to cuts, steep hills, gullies, creek beds, large rock outcroppings, wetlands, land in flood/inundation areas, or other topographic impediments, or (2) land in easements that cannot be used for school functions, areas in the public right of way, required or agreed upon setbacks, and mitigation areas.

If an LEA has a formal joint-use agreement with a city/county/park district, the joint-use land that is available for school use shall be included in the determination of net usable acres. Do not submit diagrams, calculations or other documents showing the usable acres but retain such information in the LEA's files.

Type – Identify whether the school is elementary, middle, or high, or a school serving multiple grade levels. If the school serves multiple grade levels, use the enrollment of the highest grade level. For example, if the school is K–8, K–6 would have the highest enrollment in elementary.

Pupils

Column A – Enter the 2005–06 California Basic Educational Data Systems (CBEDS) enrollment for the school site.

Column B – This will automatically populate the "Total Adjustment" from Section C of the Overcrowding Relief Grant Pupil Adjustment Form if the form is completed.

Column C – Automatically calculates. Subtracts "Pupil Adjustment" in Column B from the 2005–06 CBEDS Enrollment in Column A.

School Site Usable Acres

Column D – Automatically populates the "Net Usable Acres" as entered in the Local Educational Agency Information Section.

Column E – Enter the total number of classrooms above or below the first floor for Grades K–6 and Grades 7–12.

Column F – Automatically calculates the following formula:

$$\begin{array}{r} \text{Number of classrooms above or below the first floor} \\ \times \\ 1.3 \text{ (circulation that occurs on multi-level buildings)} \\ \div \\ 43,560 \text{ (number of square feet in an acre)} \end{array}$$

Column G – Automatically calculates. Adds the "Certified Net Usable Acres" in Column D to the "Multistory Acres Adjustment" in Column F.

CDE Recommended Acres and Pupil Density

Column H – Automatically calculates. Divides the "Adjusted CBEDS Enrollment" from Column C by 100% of the CDE recommended pupil density per acre by grade level (from chart above). For span schools with grades that include a combination of kindergarten to six, inclusive, and seven to 12, inclusive, the controlling source of school site pupil population recommended density shall be the one applicable to the grade levels in which the majority of the pupils are enrolled.

Column I – Automatically populates the numbers identified in the chart above as the 100%, 150% and 175% of CDE recommended pupil density per acre. For span schools with grades that include a combination of kindergarten to six, inclusive, and seven to 12, inclusive, the controlling source school site pupil population recommended density shall be the one applicable to the grade levels in which the majority of the pupils are enrolled.

Column J – Automatically calculates. Multiplies the "CDE Recommended Pupil Density per Acre" from Column I by the "Total Usable Acres" from Column G.

Eligibility

175% of the CDE Recommended Pupil Density – Automatically populates 175% of the CDE Recommended Pupil Density from Column I.

School Site Pupil Density – Automatically calculates. Divides the "Adjusted CBEDS Enrollment" in Column C by the "Total Usable Acres" in Column G.

Eligibility – If the "School Site Pupil Density" is equal to or greater than "175% of the CDE Recommended Pupil Density", then "YES" appears and the school qualifies for ORG. Continue to the "Eligible Pupils" Section.

If the "School Site Pupil Density" is **not** equal to or greater than "175% of the CDE Recommended Pupil Density", then a "NO" appears and the school does not qualify for ORG. **Stop here and do not submit forms to CDE.**

Eligible Pupils

The maximum number of eligible pupils for the ORG Program is the lesser of Part A or B in this section.

Part A

Adjusted CBEDS Enrollment – Automatically populates "Adjusted CBEDS Enrollment" from Column C.

Total Enrollment at 150% of the CDE Recommended Density – Automatically populates "Total Enrollment at 150% of the CDE Recommended Pupil Density" from Column J.

Eligible Pupils – Automatically calculates. Subtracts the "Total Enrollment at 150% of the CDE Recommended Pupil Density" from the "Adjusted CBEDS Enrollment". If the result is negative, a zero will appear.

Part B

Number of Portable Classrooms Currently on School Site – Enter the total number of portables on the site by grade level (as determined on the Form SAB 50–11, Overcrowding Relief Grant District-wide Eligibility Determination).

Eligible Pupils – Middle and High Schools Only – Automatically calculates. Multiplies the number of portable classrooms on the school site by the state loading standard. The totals per grade levels are added together and reflected in the "Total" section.

Elementary Schools (or schools that serve elementary school pupils) – Enter the number of pupils housed in Class Size Reduction Portables (as determined on the Form SAB 50–11, Overcrowding Relief Grant District-wide Eligibility Determination, Page 2, Section III, 4).

Eligible Pupils – Elementary Schools (or schools that serve elementary pupils) – Automatically calculates. Subtracts the number of pupils housed in Class Size Reduction Portables from the Total Eligible Pupils in Middle and High Schools.

Maximum Eligible Pupils

Automatically populates the lesser of Part A or Part B. This is the maximum number of eligible pupils that the school site qualifies for under the ORG Program.

Certification and Submission

Save the information as an electronic file. If there are no pupil adjustments, e-mail the electronic file (one file per school site) to Lisa Constancio at lconstancio@cde.ca.gov. Print a hard copy of the form; sign and date. Mail the hard copy with original signatures to:

Attention: Lisa Constancio
School Facilities Planning Division
California Department of Education
1430 N Street, Suite 1201
Sacramento, CA 95814

If there are pupil adjustments, complete the ORG Pupil Adjustment form on the next worksheet (click the "Adjustment" tab at the bottom left of the workbook). After the ORG Pupil Adjustment form is complete, save the information and e-mail the electronic file (one per school site) to Lisa Constancio at lconstancio@cde.ca.gov. Print a hard copy of both forms; sign and date. Mail hard copies with original signatures to the address listed above.

Overcrowding Relief Grants Pupil Adjustment Form

Instructions

General Information

This form is used to determine the pupil adjustments to the 2005–06 California Basic Educational Data System (CBEDS) enrollment on the Overcrowding Relief Grant Eligibility Determination form.

Local Educational Agency Information

School site information will automatically populate based on the information entered on the ORG Eligibility Determination form.

Section A. Critically Overcrowded School Projects

Identify all projects that received a preliminary apportionment from the Critically Overcrowded Schools (COS) Program which will relieve the eligible applicant school. Using data from the Form SAB 50-08, Application for Preliminary Apportionment, enter the application number, project name, and number of qualifying pupils assigned to each project. Use additional sheets if necessary.

Section B. New Construction Projects

Identify all new construction projects that will relieve the applicant school. Under the column identified as "Type," use "SFP" for projects funded in total or in part via the School Facility Program. Identify projects that will relieve the applicant school project that have received a State Allocation Board apportionment and that have not yet been occupied as of September 30, 2005 (2005–06 CBEDS enrollment). For locally funded projects, enter "Local" in the "Type" column. The projects identified should be those for which a construction contract has been signed and that have not yet been occupied as of the 2005–06 CBEDS Enrollment. Use additional sheets if necessary.

Section C. Total Overcrowding Relief Grant Pupil Adjustment

Identify the number of pupils housed in the projects listed in Sections A and B that will not relieve overcrowding at the eligible school that require an additional adjustment. For example, students that are bused to another school but reside in the applicant school's attendance area. Attach a narrative on a separate sheet of paper with the explanation.

Total Pupil Adjustment Calculation:

Total COS Projects (Section A) + Total New Construction Projects (Section B) –
Other Adjustments (Section C)

The total pupil adjustment will automatically populate in Column B of the ORG Eligibility Determination form.

Certification and Submission

Save the information as an electronic file. Print, sign, and date the form. Return to the ORG Eligibility Determination form on the previous worksheet (click the "Eligibility" tab at the bottom left of the workbook). The total pupil adjustment from the ORG Pupil Adjustment form should be automatically entered in Column B, "Pupil Adjustment". Save the information as an electronic file. The file should contain both forms – fully completed. E-mail the electronic file (one file per school site) to Lisa Constancio at lconstancio@cde.ca.gov. Print a hard copy of the ORG Eligibility Determination form; sign and date. Mail both hard copies of the eligibility and pupil adjustments with original signatures to:

Attention: Lisa Constancio
School Facilities Planning Division
California Department of Education
1430 N Street, Suite 1201
Sacramento, CA 95814

OVERCROWDING RELIEF GRANTS ELIGIBILITY DETERMINATION (Rev. 2/16/07)

Date _____
 CDS Code _____
 County _____
 Local Educational Agency _____
 School _____
 Net Usable Acres _____
 Elementary type ☐ Middle ☐ High

	CDE Recommended Pupil Density per Acre		
	100%	150%	175%
Grades K–6	57	85	100
Grades 7–12	43	65	75

A	B	C	D	E	F	G	H	I	J
---	---	---	---	---	---	---	---	---	---

PUPILS

	(Section C Total from ORG Pupil Adjustment)	(Column A – Column B)
2005-06 CBEDS Enrollment	Pupil Adjustment	Adjusted CBEDS Enrollment
Grades K–6		
Grades 7–12		
TOTAL		

SCHOOL SITE USABLE ACRES

	Certified Net Usable Acres	Number of Classrooms above/below the First Floor	(Column E x 960 [sq.ft.] x 1.3 / 43560 [sq.ft.])	(Column D + Column F)
			Multistory Acres Adjustment	Total Usable Acres
Grades K–6				
Grades 7–12				
TOTAL				

CDE RECOMMENDED ACRES AND PUPIL DENSITY

	CDE Recommended Acres	CDE Recommended Pupil Density per Acre	(Column G x Column I)
			Total Enrollment at the CDE Recommended Pupil Density
Grades K–6		100%	
Grades 7–12		150%	
TOTAL		175%	

175% of the CDE Recommended Pupil Density
 School Site Pupil Density
 Eligibility

ELIGIBILITY
 (CDE Recommended Pupil Density at 175% from Column I)
 (Column C Total / Column G Total)
 ("YES" if Schoolsite Pupil Density is equal to or greater than 175% of CDE Recommended Pupil Density)

ELIGIBLE PUPILS

The maximum number of eligible pupils for the site is the lesser of A or B as calculated below:

A

Adjusted CBEDS Enrollment	<input type="text"/>	(Column C Total)
Total Enrollment at 150% of the CDE Recommended Density	<input type="text"/>	(Total Enrollment at 150% from Column J)
Eligible Pupils	<input type="text"/>	(Column C Total – Total Enrollment at 150% from Column J)

or

B

	Grades K–6	Grades 7–8	Grades 9–12	Non-Severe	Severe	Total
Number of Portable Classrooms Currently on School Site						
Multiplied by State Loading Standard	× 25	× 27	× 27	× 13	× 9	
Eligible Pupils – Middle and High Schools Only						<input type="text"/>
Elementary Schools (or schools that serve elementary pupils) – Less the Number of Pupils Housed in Class Size Reduction Portables (as determined on the Form SAB 50-11, Overcrowding Relief Grant District-wide Eligibility Determination, Page 2 Section III, 4)						<input type="text"/>
Eligible Pupils – Elementary Schools (or schools that serve elementary pupils)						<input type="text"/>

Maximum Eligible Pupils

The above information is certified as correct to the Department of Education by the responsible local educational agency.

Print Name _____
 Signature _____

Title _____
 Date _____

OVERCROWDING RELIEF GRANTS PUPIL ADJUSTMENT (Rev. 2/16/07)

Date	
CDS Code	
County	
Local Educational Agency	
School	
Net Usable Acres	

A. CRITICALLY OVERCROWDED SCHOOLS PROJECTS

Identify all projects that received a preliminary apportionment from the Critically Overcrowded Schools (COS) Program which will relieve the eligible applicant school. Using data from the Form SAB 50-08, Application for Preliminary Apportionment, enter the application number, project name, and number of qualifying pupils assigned to each project. Use additional sheets if necessary.

		Qualifying Pupils			
Application Number	Project Name	Grades K-6	Grades 7-8	Grades 9-12	Total
Total					

B. NEW CONSTRUCTION PROJECTS

Identify all new construction projects that will relieve the applicant school. Under the column identified as "Type," use "SFP" for projects funded in total or in part via the School Facility Program. Identify projects that will relieve the applicant school project that have received a State Allocation Board apportionment and that have not yet been occupied as of the 2005-06 California Basic Educational Data System (CBEDS) Enrollment. For locally funded projects, enter "Local" in the "Type" column. The projects identified should be those that signed construction projects and that have not yet been occupied as of the 2005-06 CBEDS Enrollment. Use additional sheets if necessary.

Type	Project Name	Pupils			Total
		Grades K-6	Grades 7-8	Grades 9-12	
Total					

C. TOTAL OVERCROWDING RELIEF GRANT PUPIL ADJUSTMENT

Enter the total number of pupils, that require an additional adjustment to Sections A and B. Provide a narrative on a separate page. The total pupil adjustment is the total number of pupils from COS projects (Section A) plus the total number of pupils from new construction projects (Section B) minus the total number of returning pupils (Section C). If the total adjustment is negative, then the total pupil adjustment is zero.

	Grades K-6	Grades 7-12
Total Pupils from Critically Overcrowded Schools Projects		
+ Total Pupils from New Construction Projects		
= Subtotal		
- Other Adjustments (Provide Narrative)		
= Total Adjustment		

The above information is certified as correct to the Department of Education by the responsible local educational agency.

Print Name

Signature

Title

Date